

1
2
3
4
5
6
7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
9

10 EMMETT J. MICHAELS,

11 Plaintiff,

12 v.

13 BANK OF AMERICA CORPORATION,
14 *et al.*,

15 Defendants.

Case No. 2:11-CV-00975-KJD-PAL

ORDER

16
17 Before the Court is the Motion to Enforce Settlement Agreement (#29) filed by Plaintiff
18 Emmett J. Michaels. Defendants and Plaintiff stipulated to an extension of time (#30) to file a
19 response setting a new deadline for July 13, 2012. Defendants have failed to file any response and
20 Plaintiff has filed a Notice of Non-Opposition (#31).

21 According to the Motion, the parties reached a settlement in this matter on January 12, 2012,
22 including an agreement to pay Plaintiff's attorneys' fees. No notice of settlement was filed with the
23 Court. On January 13, 2012 Pinitar Water Pool and Spa, Inc. ("Penitar") filed a Notice of Judgment
24 Lien (#27) claiming a lien on any verdict, judgment or decree entered, and to any money or property
25 that is recovered on account of the suit, enforcement of judgment efforts, or other action by Plaintiff
26 Emmett J. Michaels.

1 According to Plaintiff's counsel, Defendants are hesitant to comply with the settlement
2 agreement because of the threat that Penitar may initiate litigation against them if Defendants pay the
3 attorneys' fees. Plaintiff's counsel argues that Plaintiff will receive no monetary payment by the
4 terms of the settlement agreement, that payment of attorneys' fees does not contravene of the Notice
5 of Judgment Lien, and that Defendants should be ordered to comply with the settlement agreement.
6 Defendants have failed to file points and authorities in opposition to the Motion. See Local Rule 7-2
7 (failure to file points and authorities in opposition constitutes consent to the granting of the motion).
8 Plaintiff's argument appears to be supported by good cause.

9 Accordingly, **IT IS HEREBY ORDERED THAT** Defendants immediately comply with the
10 settlement agreement and pay the agreed-upon attorneys fees to Plaintiff's counsel.

11 **IT IS FURTHER ORDERED THAT** the Clerk of Court **CLOSE** this case and that the
12 Court retain jurisdiction to ensure compliance with this Order and the settlement agreement of the
13 parties.

14 DATED this 17th day of July 2012.

15
16
17 

18 Kent J. Dawson
19 United States District Judge
20
21
22
23
24
25
26